

LENA K. SIMS, Bar No. 212904
lsims@littler.com
LITTLER MENDELSON, P.C.
501 W. Broadway, Suite 900
San Diego, California 92101.3577
Telephone: 619.232.0441
Facsimile: 619.232.4302

ELIZABETH STAGGS WILSON, Bar No. 183160
PENNY CHEN, Bar No. 280706
LITTLER MENDELSON, P.C.
633 West 5th Street, 63rd Floor
Los Angeles, CA 90071
Telephone: 213.443.4300
Fax No.: 213.443.4299

ANTHONY G. LY, Bar No. 228883
LITTLER MENDELSON, P.C.
2049 Century Park East, 5th Floor
Los Angeles, CA 90067.3107
Telephone: 310.553.0308
Fax No.: 310.553.5583

Attorneys for Defendants
THE GEO GROUP, INC. AND GEO
CORRECTIONS HOLDINGS, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALLISON BURCH, individually and
on behalf of all others similarly
situated,

Plaintiff,

v.

THE GEO GROUP, INC. dba GEO
CALIFORNIA, INC.; GEO
CORRECTIONS HOLDINGS, INC.;
and DOES 1-50, inclusive,

Defendants.

Case No. 2:18-cv-09926 PSG (PLAx)
Presiding Judge: Philip S. Gutierrez, 6A

[Los Angeles Superior Court, Case No.
BC720139]

**DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
RELIEF FROM LOCAL RULE 23-3**

Hearing Date: March 11, 2019

Time: 1:30 p.m.

Courtroom: 6A

Complaint Filed: August 31, 2018

I. THE COURT SHOULD SET A DEFINITIVE DEADLINE OF SEPTEMBER 30, 2019 FOR PLAINTIFF TO FILE HER MOTION FOR CLASS CERTIFICATION

Under Local Rule 23-3, Plaintiff's Motion for Class Certification is due on February 25, 2019. As indicated to Plaintiff during meet and confer, Defendants do not oppose a reasonable extension of Plaintiff's deadline to file her Motion for Class Certification. However, Defendants respectfully request that the Court set a reasonable, definitive deadline for Plaintiff to file her Motion, rather than leaving the deadline entirely open as requested by Plaintiff. To that end, Defendants propose a reasonable extension of Plaintiff's deadline to file her Motion until 60 days following the Parties' July 1, 2019 Scheduling Conference, which is Monday, August 30, 2019, approximately six months from her current deadline.

The Federal Rules of Civil Procedure make clear that the Court must rule on a class certification motion "[a]t an early practicable time after a person sues or is sued as a class representative." FED. R. CIV. P. 23(c)(1). The Federal Rules should "be construed and administered to secure the just, speedy, and inexpensive determination of every action and proceeding." FED. R. CIV. P. 1.

Further, both state and federal rules require that a plaintiff have some basis for believing his or her claims can be brought as a class action before filing suit. In this regard, Local Rule 23-3 is designed to ensure that plaintiffs investigate claims and are prepared to support their class allegations with evidence *before* filing a class action complaint. CENT. DIST. L.R. 23-3; *see also McCarthy v. Kleindienst*, 741 F.2d 1406, 1411-12 (D.C. Cir. 1984) ("Defendants are entitled to ascertain at the earliest practicable moment whether they will be facing a limited number of known, identifiable plaintiffs or whether they will instead be facing a much larger mass of generally unknown plaintiffs.").

Here, Plaintiff filed her putative class action on August 31, 2018, which was over five months ago. If Plaintiff indeed had reasonable basis to believe that her claim could be brought as a class action on or before August 31, 2018, then there is no

1 reason why Plaintiff cannot complete the necessary class certification investigation in
2 the 12 months between August 31, 2018 and August 30, 2019.

3 Defendants are entitled to ascertain “at the earliest practicable moment”
4 whether they will be facing a class action or an individual lawsuit. *McCarthy v.*
5 *Kleindienst*, 741 F.2d at 1411-12. Defendants would be prejudiced by Plaintiff’s
6 request for an entirely open-ended deadline, because it would force them to expend
7 potentially significant resources litigating against a moving target with an amorphous
8 timeline. Plaintiff has failed to provide any justification as to why a September 30,
9 2019 deadline is unreasonable, particularly in light of the fact that it offers them a 7-
10 month extension from the current deadline.

11 Therefore, Defendants respectfully request that this Court set a deadline for
12 Plaintiff to file her Motion for Class Certification of September 30, 2019.

13
14 Dated: February 6, 2019

LITTLER MENDELSON, P.C.

15
16 By: /s/ Elizabeth Staggs Wilson

17 ELIZABETH STAGGS WILSON

18 LENA K. SIMS

19 ANTHONY G. LY

20 PENNY CHEN

21 LITTLER MENDELSON, P.C.

22 Attorneys for Defendants

23 THE GEO GROUP, INC. and GEO

24 CORRECTIONS HOLDINGS, INC.